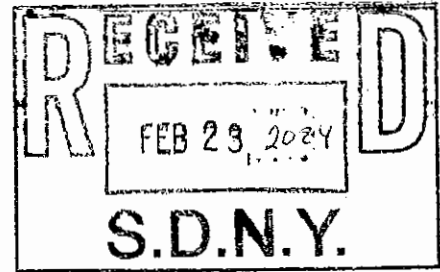


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



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:

UNITED STATES OF AMERICA,

Respondent, :

v. :

Criminal No. 1:21-cr-00088-JSR

FRED ASANTE,

Civil Case No. 23-cv-1299

Petitioner. :

-----X

**MOTION FOR EXTENSION OF TIME TO REPLY TO UNITED STATES' RESPONSE
IN OPPOSITION TO PETITIONER FRED ASANTE'S MOTION UNDER 28 U.S.C. §
2255 TO VACATE, SET ASIDE, OR CORRECT HIS CONVICTION AND SENTENCE**

COMES Defendant, Fred Asante ("Asante"), appearing *pro se*, and files his Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion to Petitioner Fred Asante's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct His Conviction and Sentence, and would show as follows:

PRELIMINARY STATEMENT

As a preliminary matter, Asante respectfully requests that this Court be mindful that "[T]he filings of a federal habeas petitioner who is proceeding *pro se* are entitled to the benefit of liberal construction." *Tracy v. Freshwater*, 623 F.3d 90 (2nd Cir. 2010); *Estelle v. Gamble*, 429 U.S. 97 (1976)(same); *Haines v. Kerner*, 404 U.S. 519 (1972).

REASON FOR EXTENSION

The twenty-five (25) page single spaced United States' Response in Opposition to Defendant's Motion to Petitioner Fred Asante's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, ("USR") was just received by Asante through the prison mail, which has become unreliable and sporadic since the Covid/Delta Virus pandemic. It can take weeks or more often to receive mail. Further, the compound at FCI Petersburg Low has had very limited access to the prison law library since the pandemic. Because of these limitations, Asante needs more time to research, prepare and perfect his Reply to the USR. Therefore, he seeks a thirty (30) day extension of time, up to and including March 14, 2024, to complete his Reply.

WHEREFORE, premise considered, Asante prays that the Court grant this motion and extend his deadline for filing his Reply, up to and including, March 14, 2024.

Respectfully submitted,



Dated: February 14, 2024

Fred Asante
Reg. No. 71047-083
FCI PETERSBURG LOW
FEDERAL CORR. INSTITUTION
P.O. BOX 1000
PETERSBURG, VA 23804

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2024, I mailed a true and correct copy of the above and foregoing Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion to Petitioner Fred Asante's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, postage prepaid, to Sagar Kananur Ravi, U.S. Attorney's Office- Southern District of New York, One St. Andrew's Plaza, New York, NY 10007.

A handwritten signature in black ink, appearing to read 'Fred Asante', written over a horizontal line.

FRED ASANTE

Fred Asante
Reg. No. 71047-083
FCI PETERSBURG LOW
FEDERAL CORR. INSTITUTION
P.O. BOX 1000
PETERSBURG, VA 23804

February 14, 2024

Ms. Ruby J. Krajick
Clerk of Court
U.S. District Court
Southern District of New York
Foley Square Division
40 Foley Square
New York, NY 10007

RE: *Asante v. United States*
Crim No. 1:21-cr-00088-JSR-2

Dear Ms. Krajick:

Enclosed please find and accept for filing Movant's Motion for Extension of Time to Reply to United States' Response in Opposition to Defendant's Motion to Petitioner Fred Asante's Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside. Please submit this motion to the Court.

Thank you for your assistance in this matter.

Sincerely,



FRED ASANTE
Appearing *Pro Se*

Encl. as noted